

Senate File 399 - Introduced

SENATE FILE _____
BY COMMITTEE ON STATE GOVERNMENT
(SUCCESSOR TO SSB 1256)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to publishing notice of examination and testing
2 of voting machines and voting system tabulating devices.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1852SV 82
5 sc/es/88

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1 1 Section 1. Section 49.53, unnumbered paragraph 1, Code
1 2 2007, is amended to read as follows:
1 3 The commissioner shall not less than four nor more than
1 4 twenty days before the day of each election, except those for
1 5 which different publication requirements are prescribed by
1 6 law, publish notice of the election. The notice shall contain
1 7 a facsimile of the portion of the ballot containing the first
1 8 rotation as prescribed by section 49.31, subsection 2, and
1 9 shall show the names of all candidates or nominees and the
1 10 office each seeks, and all public questions, to be voted upon
1 11 at the election. The sample ballot published as a part of the
1 12 notice may at the discretion of the commissioner be reduced in
1 13 size relative to the actual ballot but such reduction shall
1 14 not cause upper case letters appearing in candidates' names or
1 15 in summaries of public measures on the published sample ballot
1 16 to be less than ninety percent of the size of such upper case
1 17 letters appearing on the actual ballot. The notice shall also
1 18 state the date of the election, the hours the polls will be
1 19 open, the location of each polling place at which voting is to
1 20 occur in the election, the location of the polling places
1 21 designated as early ballot pick-up sites, and the names of the
1 22 precincts voting at each polling place, but the statement need
1 23 not set forth any fact which is apparent from the portion of
1 24 the ballot appearing as a part of the same notice. The notice
1 25 shall include the full text of all public measures to be voted
1 26 upon at the election. ~~The notice shall also include notice of~~
~~1 27 testing required pursuant to sections 52.9, 52.35, and 52.38.~~

1 28 Sec. 2. Section 52.9, unnumbered paragraph 2, Code 2007,
1 29 is amended to read as follows:

1 30 It shall be the duty of the commissioner or the
1 31 commissioner's duly authorized agents to examine and test the
1 32 voting machines to be used at any election, after the machines
1 33 have been prepared for the election and not less than twelve
1 34 hours before the opening of the polls on the morning of the
1 35 election. For any election to fill a partisan office, the
2 1 county chairperson of each political party referred to in
2 2 section 49.13 shall be notified in writing of the date, time
2 3 ~~said~~, and place the machines shall be examined and tested so
2 4 that they may be present, or have a representative present.
2 5 For every election, the commissioner shall ~~include the publish~~
2 6 notice of the date, time, and place the examination and
~~2 7 testing will be conducted. The commissioner may include such~~
2 8 notice in the notice of the election published ~~as required by~~
2 9 pursuant to section 49.53. Those present for the examination
2 10 and testing shall sign a certificate which shall read
2 11 substantially as follows:

2 12 Sec. 3. Section 52.35, subsection 1, Code 2007, is amended
2 13 to read as follows:

2 14 1. For any election to fill a partisan office, the county
2 15 chairperson of each political party shall be notified in
2 16 writing of the date, time, and place the test will be
2 17 conducted, so that they may be present or have a
2 18 representative present. For every election, the commissioner

2 19 shall include such publish notice of the date, time, and place
2 20 the test will be conducted. The commissioner may include such
2 21 notice in the notice of the election published ~~as required by~~
2 22 pursuant to section 49.53. The test shall be open to the
2 23 public.

2 24 Sec. 4. Section 52.38, unnumbered paragraph 1, Code 2007,
2 25 is amended to read as follows:

2 26 All portable tabulating devices shall be tested before any
2 27 election in which they are to be used following the procedure
2 28 in section 52.35, subsection 2. Testing shall be completed
2 29 not later than twelve hours before the opening of the polls on
2 30 the morning of the election. For any election to fill a
2 31 partisan office, the chairperson of each political party shall
2 32 be notified in writing of the date, time, and place the
2 33 devices will be tested so that the chairperson or a
2 34 representative may be present. For every election, the
2 35 commissioner shall ~~include the~~ publish notice of the date,

3 1 time, and place the test will be conducted. The commissioner
3 2 may include such notice in the notice of the election
3 3 published ~~as required by~~ pursuant to section 49.53. Those
3 4 present for the test shall sign a certificate which shall read
3 5 substantially as follows:

3 6 EXPLANATION

3 7 This bill strikes the requirement that notice of testing of
3 8 voting machines and voting system tabulating devices be
3 9 included with the notice of the election. The bill provides
3 10 that notice of testing may be published separately or may be
3 11 published with the notice of the election.

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